

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

STEVEN SABBOTA

Plaintiff,

v.

Case No. 17-12477

Honorable Denise Page Hood

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
AND DISMISSING ACTION**

This matter comes before the Court on Magistrate Judge David R. Grand's Report and Recommendation. [#22] *Pro se* Plaintiff filed this action on July 31, 2017, asking this Court to review the Commissioner's final decision to deny his application for Supplemental Security Income (SSI) under the Social Security Act. After Plaintiff was granted two extensions (and approximately five extra months) to file his motion for summary judgment, the Magistrate Judge issued Plaintiff an Order to Show Cause why his Complaint should not be dismissed for failure to prosecute. Plaintiff did not file a response to the Order to Show Cause, and the Magistrate Judge entered the Report and Recommendation on July 5, 2018, wherein he recommends that the Court dismiss Plaintiff's cause of action for failure to prosecute this case. Neither party filed

any objections to the Report and Recommendation.

Judicial review of the Commissioner's decision is limited in scope to determining whether the Commissioner employed the proper legal criteria in reaching his conclusion. *Garner v. Heckler*, 745 F.2d 383 (6th Cir. 1984). The credibility findings of an administrative law judge ("ALJ") must not be discarded lightly and should be accorded great deference. *Hardaway v. Secretary of Health and Human Services*, 823 F.2d 922, 928 (6th Cir. 1987). A district court's review of an ALJ's decision is not a *de novo* review. The district court may not resolve conflicts in the evidence nor decide questions of credibility. *Garner*, 745 F.2d at 397. The decision of the Commissioner must be upheld if it is supported by substantial evidence, even if the record might support a contrary decision or if the district court arrives at a different conclusion. *Smith v. Secretary of HHS*, 893 F.2d 106, 108 (6th Cir. 1984); *Mullen v. Bowen*, 800 F.2d 535, 545 (6th Cir. 1986).

The Court has had an opportunity to review this matter and finds that the Magistrate Judge reached the correct conclusions for the proper reasons. Finding no error in the Magistrate Judge's Report and Recommendation, the Court adopts the Report and Recommendation in its entirety. Furthermore, as neither party has raised an objection to the Report and Recommendation, the Court finds that the parties have waived any further objections to the Report and Recommendation. *Smith v. Detroit*

Fed'n of Teachers Local 231, 829 F.2d 1370, 1373 (6th Cir. 1987) (a party's failure to file any objections waives his or her right to further appeal); *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

For the reasons stated above,

IT IS ORDERED that the Report and Recommendation [Docket No. 22, filed July 5, 2018] is **ADOPTED** as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that this action is **DISMISSED WITH PREJUDICE**. Judgment shall be entered separately.

DATED: July 30, 2018

s/Denise Page Hood
DENISE PAGE HOOD
United States District Judge